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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,544	08/05/2003	Robert F. Burkholder	PTG 02-82-2	6044
23531	7590	10/28/2005	EXAMINER	
SUITER WEST SWANTZ PC LLO 14301 FNB PARKWAY SUITE 220 OMAHA, NE 68154			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/634,544

Applicant(s)

BURKHOLDER ET AL.

Examiner

Shay L. Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15, 17-24 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 17-24 and 26-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-9, 11, 13, 15, 17, 31, 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by James (USPN 3138815).

James teaches a cleaner comprising a rotating hand held cleaning head assembly (10) for engaging a surface and directing water onto the surface (claims 1 and 31). The cleaning head comprises a splash guard (12) (claim 6). There is an electric motor drive assembly (34) coupled with the hand held cleaning head to provide a driving force to the head (claims 1, 8, 31 and 34). A flexible drive cable transmission assembly (24) couples the hand held cleaning head assembly and the drive assembly (claims 1, 9, 31 and 35). There is a water attachment hose assembly (50) coupled with the hand held cleaning head to provide water to the head (claims 1, 7 and 31). The water is provided from a water source such as a storage container (48) (claims 1 and 11). The motor provides the water from the water source to the cleaning head (claims 13 and 35). The motor is coupled to a transport assembly such as a dolly transport assembly (36) (claims 1 and 15). The wheeled transport assembly comprises a hollowed area that could be used for necessary storage of the water source or the motor (claim 17). There is a hanger (40) coupled to the

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transport assembly, wherein the transmission assembly is capable of being coiled and hung on the hanger for storage (claims 1 and 31).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 7-9, 11, 13, 15, 17 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (USPN 4825496) in view of Farina (USPN 6598262).

Taylor teaches a cleaner comprising a rotating hand held cleaning head assembly (59, 66, 83) for engaging a surface and directing water onto the surface (claims 1, 4 and 31). The cleaning head comprises a handle (57) coupled with the head (claims 2 and 32). The cleaning head is a right angle cleaning head (claims 3 and 32). There is an electric motor drive assembly (37) coupled with the hand held cleaning head to provide a driving force to the head (claims 1, 8, 31, and 34). A flexible drive cable transmission assembly (61) couples the hand held cleaning head assembly and the drive assembly (claims 1, 9, 31 and 35). There is a water attachment hose assembly (65) coupled with the hand held cleaning head to provide water to the head (claims 1, 7 and 31). The water is provided from a water source such as a storage container (32) (claims 1 and 11). The motor provides the water from the water source to the cleaning head (claims 13 and 35). The motor is coupled to a transport assembly such as a dolly transport assembly (11, 12) (claims 1 and 15). The wheeled transport assembly comprises a hollowed area (22) that could be used for necessary storage (claim 17). Taylor teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly. Farina teaches a high pressure cleaner comprising a pressure line (46) and electrical cord (44). The

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cords are connected to a transport assembly (figure 3). The transport assembly comprises a hanging means (48) for storing the pressure line and the electrical cord when not in use.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Taylor to add a hook means as taught by Farina so that the transmission assembly can be coiled and stored when not in use.

Claims 1-3, 7-9, 11, 15, 17 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler (USPN 4825496) in view of Farina (USPN 6598262).

Cutler teaches a cleaner comprising a hand held cleaning head assembly (48) for engaging a surface and directing water onto the surface (claims 1 and 31). The cleaning head comprises a handle coupled with the head (claims 2 and 32). The cleaning head is a right angle cleaning head (claims 3 and 32). There is an electric motor drive assembly coupled with the hand held cleaning head to provide a driving force to the head (claims 1, 8, 31 and 34). A flexible drive cable transmission assembly (72) couples the hand held cleaning head assembly and the drive assembly (claims 1, 9, 31 and 35). There is a water attachment hose assembly (62, 64) coupled with the hand held cleaning head to provide water to the head (claims 1, 7 and 31). The water is provided from a water source such as a storage container (34) (claims 1 and 11). The motor provides the water from the water source to the cleaning head (claims 13 and 35). The cleaner assembly is coupled to a transport assembly such as a dolly transport assembly (12) (claims 1 and 15). The wheeled transport assembly comprises a hollowed area (30) that could be used for necessary storage (claim 17). Cutler teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly. Farina teaches a high pressure cleaner comprising a pressure line (46) and electrical cord (44). The cords are

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connected to a transport assembly (figure 3). The transport assembly comprises a hanging means (48) for storing the pressure line and the electrical cord when not in use. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Cutler to add a hook means as taught by Farina so that the transmission assembly can be coiled and stored when not in use (Cutler, figure 2).

Claims 18-19, 21-22, 24, 26-27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over James, Jr. (USPN 3138815) in view of Farina (USPN 6598262) and further in view of Walker et al. (USPN 5156191).

James teaches a cleaner comprising a rotating hand held cleaning head assembly (10) for engaging a surface and directing water onto the surface (claims 18 and 19). The cleaning head comprises a handle (14) coupled with the head (claim 18). The cleaning head is a right angle cleaning head with a splash guard (12) (claims 18 and 21). There is an electric motor drive assembly (34) coupled with the hand held cleaning head to provide a driving force to the head (claim 18). A flexible drive cable transmission assembly (24) couples the hand held cleaning head assembly and the drive assembly (claims 18 and 24). There is a water attachment hose assembly (50) coupled with the hand held cleaning head to provide water to the head (claims 18 and 29). The water is provided from a water source such as a storage container (48) (claims 18 and 26). The motor provides the water from the water source to the cleaning head (claims 18 and 22). The motor is coupled to a transport assembly such as a dolly transport assembly (36) (claims 18 and 26). The wheeled transport assembly comprises a hollowed area that could be used for necessary storage of the water source or the motor (claim 30). James teaches all the

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essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly and a strain reliever on the flex drive cable.

Farina teaches a high pressure cleaner comprising a pressure line (46) and electrical cord (44). The cords are connected to a transport assembly (figure 3). The transport assembly comprises a hanging means (48) for storing the pressure line and the electrical cord when not in use. Walker teaches a hose assembly comprises a strain reliever assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of James to add a hook means as taught by Farina so that the transmission assembly can be coiled and stored when not in use and additionally, it would have been obvious to use a strain reliever assembly as taught by Walker on James so that bending of the cable is minimized.

Claims 18-19, 22, 26-27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (USPN 4825496) in view of Farina (USPN 6598262) and further in view of Walker et al. (USPN 5156191).

Taylor teaches a cleaner comprising a rotating hand held cleaning head assembly (59, 66, 83) for engaging a surface and directing water onto the surface (claims 18 and 19). The cleaning head comprises a handle (57) coupled with the head (claim 18). The cleaning head is a right angle cleaning head (claim 18). There is an electric motor drive assembly (37) coupled with the hand held cleaning head to provide a driving force to the head (claim 18). A flexible drive cable transmission assembly (61) couples the hand held cleaning head assembly and the drive assembly (claim 18). There is a water attachment hose assembly (65) coupled with the hand held cleaning head to provide water to the head (claims 18 and 29). The water is provided from a water source such as a storage container (32) (claims 18 and 27). The motor provides the water

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from the water source to the cleaning head (claims 18 and 22). The motor is coupled to a transport assembly such as a dolly transport assembly (11, 12) (claims 18 and 26). The wheeled transport assembly comprises a hollowed area (22) that could be used for necessary storage (claim 30). Taylor teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly and a strain reliever on the flex drive cable.

Farina teaches a high pressure cleaner comprising a pressure line (46) and electrical cord (44). The cords are connected to a transport assembly (figure 3). The transport assembly comprises a hanging means (48) for storing the pressure line and the electrical cord when not in use. Walker teaches a hose assembly comprises a strain reliever assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Taylor to add a hook means as taught by Farina so that the transmission assembly can be coiled and stored when not in use and additionally, it would have been obvious to use a strain reliever assembly as taught by Walker on Taylor so that bending of the cable is minimized.

Claims 18, 22, 24, 26-27, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler (USPN 4825496) in view of Strickland (USPN 3988799) and further in view of Walker et al. (USPN 5156191).

Cutler teaches a cleaner comprising a hand held cleaning head assembly (48) for engaging a surface and directing water onto the surface (claim 18). The cleaning head comprises a handle coupled with the head (claim 18). The cleaning head is a right angle cleaning head (claim 18). There is an electric motor drive assembly coupled with the hand held cleaning head to provide a driving force to the head (18). A flexible drive cable transmission assembly (72) couples the hand held cleaning head assembly and the drive assembly (claims 18 and 24). There

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is a water attachment hose assembly (62, 64) coupled with the hand held cleaning head to provide water to the head (claim 18). The water is provided from a water source such as a storage container (34) (claims 18 and 27). The motor provides the water from the water source to the cleaning head (claims 18 and 22). The cleaner assembly is coupled to a transport assembly such as a dolly transport assembly (12) (claims 18 and 26). The wheeled transport assembly comprises a hollowed area (30) that could be used for necessary storage (claim 30). Cutler teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly and a strain reliever on the flex drive cable.

Farina teaches a high pressure cleaner comprising a pressure line (46) and electrical cord (44). The cords are connected to a transport assembly (figure 3). The transport assembly comprises a hanging means (48) for storing the pressure line and the electrical cord when not in use. Walker teaches a hose assembly comprises a strain reliever assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Cutler to add a hook means as taught by Farina so that the transmission assembly can be coiled and stored when not in use and additionally, it would have been obvious to use a strain reliever assembly as taught by Walker on Cutler so that bending of the cable is minimized.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over James or Taylor in view of Farina as applied to claim 1 above and both further in view of Cramer (USPN 689464).

James or Taylor in view of Farina teach all the essential elements of the claimed invention however fail to teach that the rotating cleaning head is an orbital rotating cleaning head. Cramer teaches a brush comprising an orbital rotating cleaning head. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the

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cleaning head of James or Taylor in view of Farina with the orbital cleaning head of Cramer so as to increase the versatility of the cleaning apparatus.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Farina or Cutler in view of Farina as applied to claim 1 above, both further in view of James.

Taylor in view of Farina or Cutler in view of Farina teach all the essential elements of the claimed invention however the references fail to teach a splash guard. James teaches a rotating brush head that comprises a splash guard. It would have been obvious to one ordinary skill in the art at the time the invention was made to include a splash guard on all the brush heads so as to avoid splashing of water or cleaning solution when in use and to avoid water or cleaning solution in the users face or on their clothes or other places that the water or cleaning solution was not intended to touch.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Farina or Cutler in view Farina or James in view of Farina as applied to claim 9 above, all further in view of Walker et al. (USPN 5156191).

Taylor in view of Farina, Cutler in view of Farina or James in view of Farina teach all the essential elements of the claimed invention however the references fail to teach that the flex drive cable includes a strain reliever assembly. Walker teaches a hose assembly comprises a strain reliever assembly. It would have been obvious to use a strain reliever assembly as taught by Walker on Taylor in view of Farina, Cutler in view of Farina or James in view of Farina's drive cable so that bending of the cable is minimized.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Farina or Cutler in view of Farina or James in view of Farina.

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Taylor in view of Farina, Cutler in view of Farina or James in view of Farina teach all the essential elements of the claimed invention however the references fail to teach that the water source comprises a plurality of water storage containers. The references all teach one water storage container. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of water storage containers so that the containers don't have to be refilled as often. Additionally, duplicating a part for a multiple effect is an examiner of a modification that has been considered to be within the level of ordinary skill in the art to follow. *124 USPQ 378, 380 (CCPA 1960)*.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Farina and Walker or James in view of Farina and Walker, as applied to claim 18 above and both further in view of Cramer (USPN 689464).

Taylor in view of Farina and Walker or James in view of Farina and Walker teach all the essential elements of the claimed invention however fail to teach that the rotating cleaning head is an orbital rotating cleaning head. Cramer teaches a brush comprising an orbital rotating cleaning head. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the cleaning head of Taylor in view of Farina and Walker or James in view of Farina and Walker with the orbital cleaning head of Cramer so as to increase the versatility of the cleaning apparatus.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Farina and Walker or Cutler in view of Farina and Walker or James in view of Farina and Walker.

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Taylor in view of Farina and Walker, Cutler in view of Farina and Walker or James in view of Farina and Walker teach all the essential elements of the claimed invention however the references fail to teach that the electric motor is either a generator assembly or a pneumatic motor assembly. A generator or pneumatic motor are equivalent structure known in the art. Therefore, because these two types of electric motors were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute the motors of Taylor in view of Farina and Walker, Cutler in view of Farina and Walker or James in view of Farina and Walker for a generator assembly or a pneumatic motor assembly.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Farina and Walker or Cutler in view of Farina and Walker or James in view of Farina and Walker.

Taylor in view of Farina and Walker, Cutler in view of Farina and Walker or James in view of Farina and Walker teach all the essential elements of the claimed invention however the references fail to teach that the water source comprises a plurality of water storage containers. The references all teach one water storage container. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of water storage containers so that the containers don't have to be refilled as often. Additionally, duplicating a part for a multiple effect is an examiner of a modification that has been considered to be within the level of ordinary skill in the art to follow. *124 USPQ 378, 380 (CCPA 1960)*.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb  
10/13/05



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